

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES KENT,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 2:21-cv-00425-DJC-JDP (SS)

ORDER

On April 6, 2023, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . ."). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The proposed Findings and Recommendations filed April 6, 2023, are ADOPTED;
2. Plaintiff's motion for attorney's fees under EAJA, ECF No. 21, is granted;
3. Plaintiff is awarded attorney's fees and costs in the amount of \$7,186.28 under the EAJA;
4. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), any payment shall be made payable to plaintiff and delivered to plaintiff's counsel, unless plaintiff does not owe a federal debt. If the United States Department of the Treasury determines that Plaintiff does not owe a federal debt, the government shall accept Plaintiff's assignment of EAJA fees and pay fees directly to Plaintiff's counsel;
5. Plaintiff's counsel's motion for attorney's fees pursuant to 42 U.S.C. § 406(b), ECF No. 22, is granted; and
6. Plaintiff's counsel is awarded attorney's fees in the amount of \$8,294.72 pursuant to 42 U.S.C. § 406(b).

IT IS SO ORDERED.

Dated: May 12, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE